

ED

<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/629,416	MCGAHN ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Milap Shah	3714	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed on 2/13/07.
2. ☒ The allowed claim(s) is/are 1 and 3-74.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d):
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |  |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application                      |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br>Paper No./Mail Date <u>2/13/07</u> | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                    |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material                  | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance   |
|   | 9. <input type="checkbox"/> Other _____.   |

## DETAILED ACTION

### *EXAMINER'S AMENDMENT*

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Adam Masia on March 1, 2007.

The Application has been amended as follows:

#### In the SPECIFICATION

##### Page 1, Paragraph 1:

- line 6: after "Serial No. 10/165,132, filed June 6, 2002," insert --now U.S. Patent No. 6,659,864,--.
- line 8: after "Serial No. 09/689,510, filed October 12, 2000" insert --, now ABANDONED--.

#### In the CLAIMS

##### Claim 1:

- lines 7-8: after "a secondary game controlled by the processor and associated with the primary game" insert --, said secondary game including a plurality of symbols--.
- line 18: replace "any symbols" with --said symbols--.

##### Claim 18:

- lines 7-8: after "a secondary game controlled by the processor and associated with the primary game" insert --, said secondary game including a plurality of symbols--.
- line 23: replace "any symbols" with --said symbols--.

**Claim 44:**

- lines 5-6: after “a secondary game controlled by the processor and associated with the primary game” insert --, said secondary game including a plurality of symbols--.
- line 21: replace “any symbols” with --said symbols--.

**Claim 57:**

- lines 6-7: after “a secondary game controlled by the processor and associated with the primary game” insert --, said secondary game including a plurality of symbols--.
- line 18: replace “any symbols” with --said symbols--.

*REASONS FOR ALLOWANCE*

Claims 1 & 3-74 are allowed.

The following is an examiner's statement of reasons for allowance: A thorough search of prior art fails to disclose any reference or references, which taken alone or in combination teach or suggest, in combination with the other locations, “wherein said designated instruction sent from the server to the processor is independent of any symbols displayed” and necessity of the server being a remote server in communication with the gaming machine over a data network, where the server decides as to actuate a moveable member to reveal a masked secondary display regardless of displayed symbols or outcome of the game on the gaming machine.

The closest prior art is a combination of Adams (U.S. Patent No. 5,823,874), Groetchen (U.S. Patent No. 1,978,395), and an Official Notice, however, the combination fails to teach or suggest a remote server instructing the gaming machine via an instruction sent from the remote server to unveil the masked secondary display based on only the remote server and not based on any displayed symbols or game outcome. The Applicant argues (see response filed 02/13/07) that the combination does not

disclose a remote server providing instructions for the control or operation of the actuator to move the moveable member while leaving the random determination of any symbols displayed by the secondary display under the controller of the processor and also argues that there is motivation to add such features to the current combination of the prior art applied. These arguments, see pages 18-25, filed February 13, 2007, are persuasive, thus, the rejections are withdrawn and the claims are allowed.

The Examiner's amendments were necessary to clarify potential 35 U.S.C. 112 issues regarding lack of antecedent basis.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

#### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Milap Shah whose telephone number is (571) 272-1723. The examiner can normally be reached on M-F: 9:30AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on (571) 272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3714

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

M.B.S.



ROBERT E. PEZZUTO  
SUPERVISORY PRIMARY EXAMINER